



SAS:sm 5/30/03 cp03/c16-us2

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Receipt

PATENT

Attorney Reference Number 5673-62083

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bournnell et al.

Art Unit: 1636

Application No. 10/043,881

CERTIFICATE OF MAILING

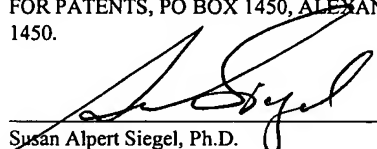
Filed: January 9, 2002

For: HERPESVIRUS VECTORS AND THEIR USES

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on May 30, 2003, as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450.

Examiner: To be assigned

Date: May 30, 2003


Susan Alpert Siegel, Ph.D.
Agent for Applicant

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TRANSMITTAL LETTER

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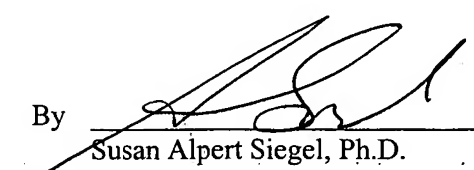
Enclosed for filing in the application referenced above are the following:

- ☒ Request for Corrected Filing Receipt with attached Exhibits A-D
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Susan Alpert Siegel, Ph.D.
Registration No. 43,121

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121 S.W. Salmon Street
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|--------------------------------------|------------------------|
| 10/043,881 | 01/08/2002 | Michael Edward Griffith Boursnell | 5673-62083 |

CONFIRMATION NO. 7700

KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 S. W. Salmon Street
Portland, OR 97204



OC000000010270599

Date Mailed: 06/16/2003

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Application Filing Date

In response to your request for a corrected Filing Receipt, the Office can not comply with your request because:

- ☒ If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, a petition to accord a filing date should be submitted along with a copy of the Express Mail label showing the "date in" and be directed to the Office of Petitions.
- ☐ A copy of the Express Mail label was not enclosed with your request. Petitions under 37 CFR 1.10 require a copy of the Express Mail Label to be submitted.
- ☐ The "date in" on the Express Mail label is the date given on the Filing Receipt.
- ☐ The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).
- ☐ Applications submitted with a certificate of mailing under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office. A request to review the filing date accorded to the application must be in the form of a petition.
- ☐ The filing date on your return postcard is the same as the date on your Filing Receipt. A request to review the filing date accorded to the application must be in the form of a petition.

A petition under 37 CFR 1.10, 37 CFR 1.53 or 37 CFR 1.182 is needed to request a change to the filing date. A \$130 petition fee is required for a petition under 1.53 or 1.182. If you choose to file a petition, the petition and the \$130 petition fee, if any, to:

Box DAC
Commissioner for Patents
Washington, DC 20231

Haimanot Tegbaru

Customer Service Center
Initial Patent Examination Division
(703) 308-1202



05/30/03

PATENT
Attorney Reference No. 5673-62083

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Bourns et al.

Application No. 10/043,881

Filed: January 9, 2002

For: HERPESVIRUS VECTORS AND THEIR
USES

Art Unit: 1636

Examiner: To be assigned

Date: May 30, 2003

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service on 5/30/2003 as First Class Mail in an envelope addressed to: Office of Initial Patent Examination Customer Service Center, COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450.

Susan Alpert Siegel, Ph.D.
Agent for Applicant

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REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Office of Initial Patent Examination
Customer Service Center
COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have received the official Filing Receipt for the application referenced above, a copy of which is attached as Exhibit A, with the requested correction shown in red ink.

The following error appears on the Filing Receipt:

| ERROR | CORRECT INFORMATION |
|------------------------------|------------------------------|
| Filing Date: January 8, 2002 | Filing Date: January 9, 2002 |

Applicants' records indicate that the subject application was deposited with the United States Postal Service as Express Mail on January 9, 2002, as noted by the date typed by Applicants in the header of the patent application (Exhibit B), and the deposit date typed on the return receipt postcard (Exhibit C). It appears that the U.S. Postal Service incorrectly wrote "1/8/02" as the "Date In" on the

Express Mail label (Exhibit D), and Applicants did not discover the error until receipt of the Official Filing Receipt.

Applicants request that the identified error I the filing date be corrected and that a new official Filing Receipt be issued showing that **January 9, 2002** is the actual filing date of the present application.

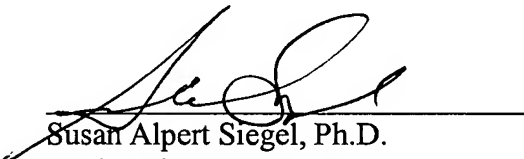
Please return the enclosed postcard to confirm that the items listed above have been received.

Please call the undersigned if any further information is required.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



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cc: Docketing